

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA**

SOLARJUICE CO., LTD., as successor  
in interest to PETERSENDEAN  
ROOFING AND SOLAR SYSTEMS, INC.,

Plaintiff,

v.

Case No. 9:22-cv-80799

TRAVELERS CASUALTY AND  
SURETY COMPANY OF AMERICA,

Defendants.

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**COMPLAINT**

Plaintiff SolarJuice Co., Ltd., *as successor in interest*, to PetersenDean Roofing and Solar Systems, Inc. (“PetersenDean”), files this Complaint against Defendant Travelers Casualty and Surety Company of America (“Surety”) and alleges:

1. This is an action for damages in excess of \$75,000.00, exclusive of interest, attorneys, fees, and costs.
2. PetersenDean is a Florida corporation authorized to conduct business in the State of Florida.
3. Surety is a foreign profit corporation authorized to do business in the State of Florida and who issued a bond for the Project at issue.
4. Venue is proper in this court pursuant to Chapter 47, Florida Statutes, because the cause of action occurred in Palm Beach County.
5. All conditions precedent to bringing this action have occurred, been performed or been waived.
6. Upon information and belief, on about September 1, 2019, Current Builders,

Inc. (“Current Builders”) entered into a construction contract with RCA Blvd JV, LLC (“Owner”), under which Current Builders acted as the prime contractor for the construction of the Arcadia Gardens, located in Palm Beach Gardens, Florida (the “Project”). The Project consisted of two, 5-story apartment buildings with independent senior living apartments.

7. On about September 27, 2019, Surety issued a payment bond on behalf of Current Builders in connection with the Project, Bond No. 106978945 (the “Bond”). A copy of the Bond is attached as Exhibit “A.”

8. On January 30, 2020, Current Builders and PetersenDean entered into a subcontract for the Project, under which PetersenDean was to perform, among others, work related to the installation of roofs and other related materials and services at the Project (the “Subcontract”). A copy of the Subcontract is attached as Exhibit “B.”

9. PetersenDean satisfactorily performed its work and furnished all labor, materials, and supplies necessary to complete its work, including certain change orders and extras for said work as requested and directed by Surety’s principal, Current Builders, on the Project. All such work, labor, materials, and supplies have been accepted by Current Builders. Amounts are due to PetersenDean which remain unpaid by Current Builders on the Project.

10. On June 4, 2021, PetersenDean recorded its Claim of Lien, in the amount of \$488,965.32, in the Public Records of Palm Beach County at OR BK 32551, Page 1906. A copy of the Claim of Lien is attached as Exhibit “C.” On June 16, 2021, Current Builders issued its Notice of Bond in the Public Records of Palm Beach County at OR BK 32593, Page 1658. A copy of the Notice of Bond is attached as Exhibit “D.”

**COUNT I: CLAIM AGAINST PAYMENT BOND**

11. PetersenDean re-alleges and incorporates Paragraphs 1 through 10 above as if fully set forth herein.

12. Surety's failure to pay PetersenDean the amount owed to PetersenDean on the Project is a breach of the Bond.

13. PetersenDean has been damaged by such breach in the amount of \$488,965.32.

14. The last date that PetersenDean furnished materials, services, and labor to the Project was on or about May 31, 2021.

15. PetersenDean retained the undersigned counsel to prosecute this action on its behalf, and has become obligated to pay its attorneys a reasonable fee. The Surety is obligated to compensate PetersenDean for those attorneys' fees pursuant to Florida Statutes Section 627.428 and applicable Florida law.

WHEREFORE, PetersenDean demands judgment for damages against Surety, together with attorneys' fees, interest, and costs, and such other and further relief as the Court deems just and proper.

**DEMAND FOR JURY TRIAL**

Plaintiff demands a trial by jury of all issues so triable.

Dated this 31<sup>st</sup> day of May, 2022.

Respectfully submitted,

/s/ Michael J. Friedman

Michael J. Friedman

Florida Bar No. 650854

Nicole D. Moss

Florida Bar No. 1003075

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